

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

GEOFFREY H. CROOK,
Defendant.

No. CR-05-0030-FVS

ORDER DENYING MOTION FOR
RECONSIDERATION

THIS MATTER comes before the Court on the Defendant's Motion to Reconsider Sentencing Re: Credit For Time Served in Canada, Ct. Rec. 87. Assistant United States Attorney George JC Jacobs III represents the United States. Bevan J. Maxey represents the Defendant.

The Defendant moves the Court to reconsider two rulings it made at sentencing. First, the Defendant urges the Court to award him credit for the time he served in Canadian custody while awaiting extradition to the United States. Second, the Defendant requests credit for the time he will serve in American custody after the completion of his sentence while awaiting deportation to Canada.

A defendant serving a federal sentence must be given credit for time served

in official detention prior to the date the sentence commences-

(1) as a result of the offense for which the sentence was imposed; or

(2) as a result of any other charge for which the defendant was arrested after the commission of the offense

1 for which the sentence was imposed;
2 that has not been credited against another sentence.

3 18 U.S.C. § 3585(b). Both the Supreme Court and the Ninth Circuit
4 have held that the computation of credit for time served is properly a
5 question for the Attorney General. "3585(b) does not authorize a
6 district court to compute credit for time served." *Untied States v.*
7 *Peters*, 470 F.3d 907, 909 (9th Cir. 2006) (citing *United States v.*
8 *Wilson*, 503 U.S. 329, 334, 112 S. Ct. 1351, 117 L. Ed. 2d 593 (1992)).

9 Consequently, this Court lacks the authority to award the
10 Defendant the relief he seeks. Issues concerning credit for time
11 served must be taken up with the Bureau of Prisons. Accordingly,

12 **IT IS HEREBY ORDERED:**

13 1. The Defendant's Motion to Reconsider Sentencing Re: Credit For
14 Time Served in Canada, **Ct. Rec. 87**, is **DENIED**.

15 2. The Government's Motion to Exclude Untimely Declaration and
16 Attachments Regarding Authentication Letters, **Ct. Rec. 103**, is **DENIED**
17 **AS MOOT**.

18 **IT IS SO ORDERED.** The District Court Executive is hereby
19 directed to enter this order and furnish copies to counsel.

20 **DATED** this 29th day of November, 2007.

21 s/ Fred Van Sickle
22 Fred Van Sickle
23 United States District Judge
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